

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

LUKE WILSON)
)
Plaintiff,)
v.)
) Civil Action No. 5:21-CV-00055
THE TOWN OF MOUNT JACKSON, et al.,)
)
Defendants.)

MOTION TO DISMISS

COMES NOW, defendants Robert Young and Mark Johnson, identified as Police Officers of the Mount Jackson Police Department, who jointly move this Court to dismiss this case pursuant to Federal Rules of Civil Procedure 12(b)(6). In support of the Motion, defendants assert that no allegations are stated against them individually and plaintiff has failed to identify any specific act or omission by either defendant and as more fully stated in their Memorandum of Law, which is attached hereto, the Court should dismiss this cause of action for failure to state a claim upon which relief can be granted.

**OFFICER ROBERT YOUNG and
OFFICER MARK JOHNSON**
By Counsel

/s/ John D. McGavin

John D. McGavin, VSB No. 21794
jmcgavin@bmhjlaw.com
BANCROFT, MCGAVIN, HORVATH & JUDKINS, P.C.
9990 Fairfax Blvd. Suite 400
Fairfax, Virginia 22030
(703)385-1000 Telephone
(703)385-1555 Facsimile
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October, 2021, a true and accurate copy of the foregoing Motion to Dismiss was sent via the CM/ECF to:

David Wood Silek, Esq.
Silek Law Group, PC
8229 Boone Blvd., Suite 610
Vienna, VA 22182
dsilek@sileklaw.com

Thomas Ray Breeden, Esq.
Thomas R. Breeden, PC
10326 Lomond Drive
Manassas, VA 20109
trb@tbreedenlaw.com

Brian L. Bromberg, Esq.
Joshua Tarrant-Windt, Esq.
Bromberg Law Office, P.C.
352 Rutland Road, #1
Brooklyn, NY 11225

Counsel for Plaintiff

/s/ John D. McGavin
John D. McGavin